

## Jurisdiction and Venue

1. This Honorable Court of the United States District Court has jurisdiction to adjudicate this action in its venue Pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983.

## Statement of Claim

1. Plaintiff contends that defendant's are all employees at the Southeast Correctional Center and that they knowingly and willfully violated Plaintiff's Constitutionally Protected Rights under the 1st and 14th Amendments to the United States Constitution.

2. On 3-13-08, Plaintiff was notified that he had received Pamphlets from the Kansas Mutual Aid. These Publications were rejected by defendant's stating that they were "inflammatory material based on race or religion."

3. On 4-23-08, Plaintiff was notified that he had received Pamphlets from the Kansas Mutual Aid. Again, they were rejected as "inflammatory material based on race or religion."

4. On 8-11-08, Plaintiff received a Censorship Notification that the February 2008 issue of Under Lock and Key, a Prisoner newsletter published by the Marxist Internationalist Ministry of Prisons was being rejected based upon the following reasons:

- 1) recalls inflammatory material,
- 2) Promotes violence, disorder or the violation of state or federal law,
- 3) endangers the safety and security of the institution.

5. On 10-20-08, Plaintiff received a Censorship Notification that the 2008 September issue of Under Lock and Key, was being rejected based upon the following: 1) Promotes violence or disorder/ threatens institutional safety or security.

6. Defendants will not and knowingly violated the institutional Offender Mail Procedures IS 13-1.1 which states: "A Publication or item may not be rejected because its contents is religious, philosophical, social, sexual or is unpopular or rebuttant. Publications will be reviewed on a case-by-case basis.

7. That Censorship was not necessary or essential to further legitimate government interests or security and rehabilitation.

8. Plaintiff contends that defendants are censoring his historical, social and Political materials based upon their Personal rather than legitimate Penological interests and that defendants were all acting in their Personal and Professional Capacities and under color of State law.

9. Plaintiff contends that Censorship notification was a violation of Procedural Due Process in that defendants failed to state exactly what in said materials was racist or religiously inflammatory, Promoted violence, or violation of State or Federal law.

10. Plaintiff believes that based upon the inaccessibility of the Censorship Procedures that his rights were violated and continue to be violated.

11. Plaintiff contends that his Right to Procedural Due Process were further violated by the fact that he was given an opportunity to protest the censoring of his material through the inmate Grievance Procedure, but the Grievance was denied by the same Person who is the Censorship Committee Chairperson.

12. Defendant's also failed to notify Publisher's that their Publications were being censored and rejected.

13. Defendants were acting under Color of State law while acting in their official capacities and while exercising their responsibilities Pursuant to state law.

14. Defendant's deprivation and continue to deprive Plaintiff free exercise of his rights guaranteed him under the 1st and 14th Amendments to the United States Constitution.

15. That defendants have on file several Publications of a historical, social and Political nature that were sent to him by said Publisher's mentioned in this action.

16. Prior to filing this action, Plaintiff has filed several complaints through the Grievance Procedure, wrote a Personal letter to defendant Steele, who is the Warden of the Prison, to work this matter out. All to no avail.

17. On September 8, 2008, Publisher MIM Distributors wrote a Correspondence to Warden Steele informing him that they received no notification of censorship and stated that said censored material was in accordance with the law, mailroom Policies and requested that said material be given to Plaintiff.



18. Plaintiff was "cautioned" by the warden and administrators not to file any other complaints regarding censorship or that he would be "sanctioned". It is Plaintiff's contention that defendants are threatening him with sanctions to discourage and deprive him of exercising his Constitutionally Protected right to file a grievance or complaint.

19. On 5-31-08, Plaintiff filed an Internal Resolution Request, the first stage in the grievance procedure, to protest rejection of his mail and censorship of materials mailed to him by the Kansas Mutual Aid. This IRR was returned and rejected as a "duplicate complaint" although Plaintiff had never filed any protest pertaining to this material previously. This violated Plaintiff's right to Procedural Due Process, in that Plaintiff should have the right to file a complaint each time a piece of mail is rejected to preserve his right later to file a complaint through the courts which specifically state that a prisoner must exhaust all available administrative remedies prior to filing suit in the United States District Court.

20. Defendants have shown deliberate indifference to Plaintiff's clearly established constitutional rights under the 1st and 14th Amendments to the United States Constitution in that Plaintiff has complained on several

occasions through the Science Procedure and Personal Correspondence to defendant's and defendant's continue to ignore the facts as they were presented to them and failed to take steps to prevent them from continuing to occur.

21. Plaintiff has suffered undue stress and anxiety over these issues in that he has been erroneously labeled a "racist" because of his Political views and the historical, social and Political material he receives and since has been treated unfairly by staff administrators and corrections officers,

22. Plaintiff asserts that he is a New African by nationality and a citizen of the Provisional Government of the People's Socialist Republic of New Africa, that he is anti-racist, anti-capitalist and anti-imperialist, and that these are part of the reasons why his historical, social and Political material continue to be censored.

23. Plaintiff can and will prove beyond a shadow of a doubt, that none of the material censored in fact is racialist or religiously inflammatory. That nothing in material promotes violation of state or federal law and thus, is not a threat to institutional safety or security.

24. Plaintiff contends that his Constitutional Rights have been violated and will continue to be violated if this Honorable Court does not adjudicate this matter.

## Relief Sought

1. Plaintiff begs this Court to issue a declaratory judgment and/or Preliminary injunction against defendants in this action in that Plaintiff has and will continue to suffer damage.

2. Plaintiff seeks declaratory judgment or injunctive relief that is no broader than necessary to remedy violation of his Constitutional Rights under the 1st and 14th Amendments to the United States Constitution.

3. Plaintiff believes that he will succeed on the merits of this case and that the balance of hardships favor him.

4. It is in the Public interest that this Honorable Court grant a declaratory judgment or Preliminary injunction in this case.

5. Actual and Punitive damages are due Plaintiff and to Turist defendants for their conduct and to deter them and others from committing similar acts in the future.

6. Plaintiff seeks actual damages against each defendant individually in the amount of \$200.00.



7. Plaintiff seeks Punitive damages from each defendant in the amount of \$500.00 to be paid individually.

8. Plaintiff begs this Honorable Court to order defendants to immediately deliver to him all of his historical, social and Political material that is currently on file.

9. Plaintiff begs this Honorable Court to maintain jurisdiction and to set up a review board to determine if defendants are complying with the courts orders. The length and Period of jurisdiction and review to be determined by the Court.

10. Plaintiff begs this Honorable Court to enter a declaratory judgment and grant him injunctive relief stating that defendants violated his Constitutionally Protected Rights under the 1st and 14th Amendments to the United States Constitution.

11. Plaintiff begs this Honorable Court to order that current Censorship and mailroom policies and Procedures be revised and amended to current Federal Constitutional standards.

12. Plaintiff begs this Honorable Court to order defendants censorship and mailroom Policies and Procedures be revised and amended to include that Publishers be notified in writing that their material has been censored and resorted and to state in detail the reasons why.

13. Plaintiff begs that this Honorable Court in its declaratory judgment and other orders, declare that the interest of Plaintiff and the Publisher's in question, in uncensored communication was a "liberty" interest within the meaning of the 14th Amendment, and as such, was protected from arbitrary government invasion, returning that the decision of Prison authorities to censor or withhold delivery of a piece of mail, information, newsletter or booklet must be accompanied by minimum procedural standards in accordance with federal constitutional standards.

14. That this Honorable Court order that Plaintiff has a constitutional right to file a complaint or grievance and that defendant's "letter of caution" was clearly a threat to deter Plaintiff from exercising that right.

15. That this Honorable Court order that defendant's pay the cost of this suit, and attorney fees that may be incurred and any other cost this Honorable